

ANIMAL CRUELTY AMENDMENTS

2007 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: Kerry W. Gibson

LONG TITLE

General Description:

This bill amends the Cruelty to Animals part of the Utah Criminal Code by modifying definitions, describing offenses, providing penalties, and providing that a second offense of animal torture within five years is a third degree felony.

Highlighted Provisions:

This bill:

- defines terms;
- modifies definitions;
- describes the offense of torture of an animal and makes it a class A misdemeanor, or for a second offense within five years, a third degree felony, to torture an animal or livestock;
- describes the offense of cruelty to an animal and makes it a class B or class C misdemeanor to engage in cruelty to an animal;
- describes the offense of animal neglect and makes it a class B or C misdemeanor to engage in neglect of an animal;
- provides that it is not a defense to the offenses described above that the person is the owner of the animal or livestock, or acting under the direction of the owner of the animal or livestock;
- specifies what a judge may include in an order when sentencing a person for the offenses described above;



28 ▶ provides for enhanced penalties for second offense cruelty to an animal or animal
29 neglect offenses;

30 ▶ expands the definition of unlawful activity under Title 76, Chapter 10, Part 16,
31 Pattern of Unlawful Activity Act; and

32 ▶ makes technical changes.

33 **Monies Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 **AMENDS:**

39 **76-3-203.3**, as last amended by Chapter 229, Laws of Utah 2007

40 **76-9-301**, as last amended by Chapter 7, Laws of Utah 1996, Second Special Session

41 **76-9-301.5**, as last amended by Chapter 7, Laws of Utah 1996, Second Special Session

42 **76-9-301.6**, as last amended by Chapter 282, Laws of Utah 1998

43 **76-9-301.7**, as enacted by Chapter 7, Laws of Utah 1996, Second Special Session

44 **76-10-1602**, as last amended by Chapter 129, Laws of Utah 2007

45

46 *Be it enacted by the Legislature of the state of Utah:*

47 Section 1. Section **76-3-203.3** is amended to read:

48 **76-3-203.3. Penalty for hate crimes -- Civil rights violation.**

49 As used in this section:

50 (1) "Primary offense" means those offenses provided in Subsection (4).

51 (2) (a) A person who commits any primary offense with the intent to intimidate or
52 terrorize another person or with reason to believe that his action would intimidate or terrorize
53 that person is subject to Subsection (2)(b).

54 (b) (i) A class C misdemeanor primary offense is a class B misdemeanor; and

55 (ii) a class B misdemeanor primary offense is a class A misdemeanor.

56 (3) "Intimidate or terrorize" means an act which causes the person to fear for his
57 physical safety or damages the property of that person or another. The act must be
58 accompanied with the intent to cause or has the effect of causing a person to reasonably fear to

freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States.

(4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:

(a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-106, 76-5-107, and 76-5-108;

(b) any misdemeanor property destruction offense under Sections 76-6-102 and 76-6-104, and Subsection 76-6-106(2)(b);

(c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;

(d) any misdemeanor theft offense under Section 76-6-412;

(e) any offense of obstructing government operations under Sections 76-8-301, 76-8-302, 76-8-304, 76-8-305, 76-8-306, 76-8-307, 76-8-308, and 76-8-313;

(f) any offense of interfering or intending to interfere with activities of colleges and universities under Title 76, Chapter 8, Part 7, Colleges and Universities;

(g) any misdemeanor offense against public order and decency as defined in Title 76, Chapter 9, Part 1, Breaches of the Peace and Related Offenses;

(h) any telephone abuse offense under Title 76, Chapter 9, Part 2, Telephone Abuse;

(i) any misdemeanor cruelty to ~~[animals]~~ an animal, animal torture, or animal neglect offense under Section 76-9-301; and

(j) any weapons offense under Section 76-10-506.

(5) This section does not affect or limit any individual's constitutional right to the lawful expression of free speech or other recognized rights secured by the Constitution or laws of the state or by the Constitution or laws of the United States.

Section 2. Section **76-9-301** is amended to read:

76-9-301. Animal torture -- Cruelty to an animal -- Animal neglect.

(1) As used in this section:

(a) (i) "Abandon" means to intentionally leave a live animal:

(A) without providing for the care of the animal in accordance with accepted husbandry practices; or

(B) in a condition that:

(I) poses a serious threat to the life, safety, or health of the animal; and

(II) is not in accordance with accepted husbandry practices.

90 (ii) "Abandon" does not include returning wildlife to its natural habitat.
91 (b) (i) "Animal" means a live, nonhuman vertebrate creature.
92 (ii) "Animal" does not include:
93 (A) a live, nonhuman vertebrate creature that is:
94 (I) cared for in accordance with accepted husbandry practices; and
95 (II) (Aa) used for rodeo purposes;
96 (Bb) owned or kept by a zoological park that is accredited by, or a member of, the
97 American Zoo and Aquarium Association; or
98 (Cc) kept, owned, or used for the purpose of training hunting dogs or raptors;
99 (B) wildlife, as defined in Section 23-13-2, including protected and unprotected
100 wildlife; or
101 (C) livestock.
102 (c) "Custody" means ownership, possession, or control.
103 (d) "Legal privilege" means an act that:
104 (i) is authorized by state law, including Division of Wildlife Resources rules; and
105 (ii) is not in violation of a local ordinance.
106 (e) (i) "Livestock" means:
107 (A) domesticated:
108 (I) cattle;
109 (II) sheep;
110 (III) goats;
111 (IV) turkeys;
112 (V) swine;
113 (VI) equines;
114 (VII) camelidae;
115 (VIII) ratites; or
116 (IX) bison;
117 (B) domesticated elk as defined in Section 4-39-102; or
118 (C) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic
119 poultry raised or kept for agricultural purposes.
120 (ii) "Livestock" does not include:

121 (A) dogs;

122 (B) cats; or

123 (C) creatures, including cocks, that are bred or used principally for fighting for
124 amusement, gambling, or profit.

125 (f) "Serious injury" means bodily injury that:

126 (i) creates or causes serious permanent disfigurement;

127 (ii) creates or causes protracted loss or impairment of the function of any bodily
128 member or organ;

129 (iii) creates a substantial risk of death; or

130 (iv) causes death.

131 (2) (a) A person is guilty of animal torture if the person, without having a legal
132 privilege to do so, intentionally, knowingly, and with depraved or sadistic intent, inflicts or
133 causes to be inflicted upon an animal or livestock severe physical pain or prolonged suffering,
134 regardless of whether the animal or livestock dies.

135 (b) Except as provided in Subsection (2)(c), animal torture is a class A misdemeanor.

136 (c) Animal torture is a third degree felony if, within five years after the day on which a
137 person is convicted under Subsection (2)(a), the person again commits a violation of
138 Subsection (2)(a).

139 (d) (i) The prosecuting attorney, or grand jury if an indictment is returned, shall provide
140 written notice upon the information or indictment that the defendant is subject to a third degree
141 felony under Subsection (2)(c).

142 (ii) The notice described in Subsection (2)(d)(i) shall be served upon the defendant or
143 the defendant's attorney no later than ten days prior to trial.

144 (iii) If the notice described in Subsection (2)(d)(i) is not included initially, the court
145 may subsequently allow the prosecutor to amend the charging document to include the notice if
146 the court finds:

147 (A) that the amended charging documents, including any statement of probable cause,
148 provide notice that the defendant is subject to a third degree felony under this section; and

149 (B) that the defendant has not otherwise been substantially prejudiced by the
150 amendment.

151 [(+)] (3) (a) A person is guilty of cruelty to [animals if] an animal, if, under

152 circumstances not constituting animal torture, and without having a legal privilege to do so, the
153 person intentionally, knowingly, or recklessly~~[, or with criminal negligence:]~~:

154 ~~[(a) fails to provide necessary food, care, or shelter for an animal in his custody;]~~

155 ~~[(b) abandons an animal in the person's custody;]~~

156 ~~[(c) transports or confines an animal in a cruel manner;]~~

157 ~~[(d) injures an animal;]~~

158 (i) administers, or causes to be administered, poison or a poisonous substance to an
159 animal;

160 (ii) places, or causes to be placed in a location accessible to an animal, poison or a
161 poisonous substance that is attractive to one or more species of animals, with the intent of
162 attracting an animal to the poison or poisonous substance;

163 (iii) causes serious injury to an animal;

164 ~~[(e)]~~ (iv) causes any animal, not including a dog, to fight with another animal of like
165 kind for amusement or gain; or

166 ~~[(f)]~~ (v) causes any animal, including a dog, to fight with a different kind of animal or
167 creature for amusement or gain.

168 ~~[(2)]~~ (b) A violation of Subsection ~~[(1)]~~ (3)(a) is:

169 ~~[(a)]~~ (i) a class ~~[B]~~ A misdemeanor if committed intentionally or knowingly; ~~[and]~~ or

170 ~~[(b)]~~ (ii) a class ~~[C]~~ B misdemeanor if committed recklessly ~~[or with criminal~~
171 negligence].

172 ~~[(3) A person is guilty of aggravated cruelty to an animal if the person:]~~

173 ~~[(a) tortures an animal;]~~

174 ~~[(b) administers poison or poisonous substances to an animal without having a legal~~
175 privilege to do so;]

176 ~~[(c) kills or causes to be killed an animal without having a legal privilege to do so:]~~

177 (4) (a) A person is guilty of animal neglect, if, under circumstances not constituting
178 animal torture or cruelty to an animal, and without having a legal privilege to do so, the person,
179 in a manner not in keeping with accepted husbandry practices, intentionally, knowingly, or
180 recklessly:

181 (i) fails to provide an animal with the necessary food, water, care, or shelter appropriate
182 for the species, age, and physical condition of the animal;

(ii) abandons an animal that is in the person's custody; or
(iii) transports or confines an animal in a manner that is cruel or likely to result in
serious injury.

~~[(4)]~~ (b) A violation of Subsection ~~[(3)]~~ (4)(a) is:
~~[(a)]~~ (i) a class ~~[A]~~ B misdemeanor if committed intentionally or knowingly; or
~~[(b)]~~ (ii) a class ~~[B]~~ C misdemeanor if committed recklessly~~[-and (c) a class C~~
~~misdemeanor if committed]~~ or with criminal negligence.

(5) It is a defense to prosecution under this section that the conduct of the actor towards
the animal was:

(a) by a licensed veterinarian using accepted veterinary practice;
(b) directly related to bona fide experimentation for scientific research, provided that if
the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless
directly necessary to the veterinary purpose or scientific research involved;
(c) permitted under Section 18-1-3;
(d) by a person who humanely destroys any animal found suffering past recovery for
any useful purpose; or
(e) by a person who humanely destroys any apparently abandoned animal found on the
person's property.

(6) For purposes of Subsection (5)(d), before destroying the suffering animal, the
person who is not the owner of the animal shall obtain:

(a) the judgment of a veterinarian of the animal's nonrecoverable condition;
(b) the judgment of two other persons called by the person to view the unrecoverable
condition of the animal in the person's presence;
(c) the consent from the owner of the animal to the destruction of the animal; or
(d) a reasonable conclusion that the animal's suffering is beyond recovery, through the
person's own observation, if the person is in a location or circumstance where the person is
unable to contact another person.

(7) This section does not affect or prohibit the training, instruction, and grooming of
animals, so long as the methods used are in accordance with accepted husbandry practices.

(8) (a) This section does not affect or prohibit the use of an electronic locating or
training collar by the owner of an animal for the purpose of lawful animal training, lawful

214 hunting practices, or protecting against loss of that animal.

215 (b) County and municipal governments may not prohibit the use of an electronic
216 locating or training collar.

217 (9) It is not a defense under this section that the person is:

218 (a) the owner of the animal or livestock; or

219 (b) acting under the direction of the owner of the animal or livestock.

220 ~~[(9)]~~ (10) Upon conviction under this section, the court may in its discretion, in
221 addition to other penalties:

222 ~~[(a) order the defendant to be evaluated to determine the need for psychiatric or~~
223 ~~psychological counseling, to receive counseling as the court determines to be appropriate, and~~
224 ~~to pay the costs of the evaluation and counseling;]~~

225 ~~[(b) require the defendant to]~~

226 (a) order the defendant to:

227 (i) undergo a psychological evaluation;

228 (ii) receive treatment addressing issues involved in animal abuse;

229 (iii) to the extent that the court finds the defendant is able, pay the costs of the
230 evaluation and treatment described in Subsections (10)(a)(i) and (ii);

231 (iv) forfeit any rights the defendant has to the animal or livestock subjected to a
232 violation of this section [and to];

233 (v) repay the reasonable costs incurred by any person or agency in caring for each
234 animal or livestock subjected to violation of this section; or

235 ~~[(c) order the defendant to]~~ (vi) no longer possess or retain custody of any animal, as
236 specified by the court, during the period of the defendant's probation or parole or other period
237 as designated by the court; [and] or

238 ~~[(d) order the animal to be placed]~~ (b) in accordance with Subsection (11), enter an
239 order disposing of an animal or livestock subjected to a violation of this section.

240 (11) (a) An order disposing of an animal under Subsection (10)(b) shall provide for
241 disposition in the following order of priority, with Subsection (11)(a)(i) being the first priority:

242 (i) placing the animal for the purpose of adoption or care in the custody of a county and
243 municipal animal control agency[-] or an animal welfare agency registered with the state[-]
244 sold];

(ii) selling the animal at public auction~~[-];~~ or

(iii) humanely ~~[destroyed]~~ euthanize the animal.

(b) An order disposing of livestock under Subsection (10)(b) shall provide for disposition in the following order of priority, with Subsection (11)(b)(i) being the first priority:

(i) selling the livestock at public auction; or

(ii) destroying the livestock using accepted husbandry practices.

~~[(10)]~~ (12) This section does not prohibit the use of animals in lawful training.

~~[(11) As used in this section:]~~

~~[(a) "Abandons" means to intentionally deposit, leave, or drop off any live animal:]~~

~~[(i) without providing for the care of that animal; or]~~

~~[(ii) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal:]~~

~~[(b) (i) "Animal" means a live, nonhuman vertebrate creature:]~~

~~[(ii) "Animal" does not include animals kept or owned for agricultural purposes and cared for in accordance with accepted husbandry practices, animals used for rodeo purposes, and does not include protected and unprotected wildlife as defined in Section 23-13-2:]~~

~~[(c) "Custody" means ownership, possession, or control over an animal:]~~

~~[(d) "Legal privilege" means an act authorized by state law, including Division of Wildlife Resources statutes and rules, and conducted in conformance with local ordinances:]~~

~~[(e) "Necessary food, care, and shelter" means appropriate and essential food and other needs of the animal, including veterinary care, and adequate protection against extreme weather conditions:]~~

Section 3. Section **76-9-301.5** is amended to read:

76-9-301.5. Spectator at organized animal fighting exhibitions.

(1) It is unlawful for a person to knowingly be present as a spectator at any place, building, or tenement where preparations are being made for an exhibition of the fighting of animals, as prohibited by ~~[Subsection]~~ Subsections 76-9-301~~[(1)(e)]~~(3)(a)(iv) and ~~[(f)]~~ (v), or to be present at such exhibition, regardless of whether any entrance fee has been charged.

(2) A person who violates ~~[this subsection]~~ Subsection (1) is guilty of a class B misdemeanor.

Section 4. Section **76-9-301.6** is amended to read:

76-9-301.6. Dog fighting exhibition -- Authority to arrest and take possession of dogs and property.

(1) A peace officer as defined in Title 53, Chapter 13, Peace Officer Classifications, may enter any place, building, or tenement where an exhibition of dog fighting is occurring, or where preparations are being made for ~~such~~ an exhibition and, without a warrant, arrest all persons present.

(2) (a) Notwithstanding the provisions of Section 76-9-305, any authorized officer who makes an arrest under Subsection (1) may lawfully take possession of all dogs, paraphernalia, implements, or other property or things used or employed, or to be employed, in an exhibition of dog fighting prohibited by Subsection 76-9-301~~[(1)(f)]~~(3)(a)(v) or Section 76-9-301.1.

(b) The officer, at the time of the taking of property pursuant to Subsection (2)(a), shall state his name and provide other identifying information to the person in charge of the dogs or property taken.

(3) (a) After taking possession of dogs, paraphernalia, implements, or other property or things under Subsection (2), the officer shall file an affidavit with the judge or magistrate before whom a complaint has been made against any person arrested under this section.

(b) The affidavit shall include:

(i) the name of the person charged in the complaint;

(ii) a description of all property taken;

(iii) the time and place of the taking of the property;

(iv) the name of the person from whom the property was taken;

(v) the name of the person who claims to own the property, if known; and

(vi) a statement that the officer has reason to believe and believes that the property taken was used or employed, or was to be used or employed, in violation of Section 76-9-301 or 76-9-301.1, and the grounds for the belief.

(4) (a) The officer shall deliver the confiscated property to the judge or magistrate who shall, by order, place the property in the custody of the officer or any other person designated in the order, and that person shall keep the property until conviction or final discharge of the person against whom the complaint was made.

(b) The person designated in Subsection (4)(a) shall assume immediate custody of the property, and retain the property until further order of the court.

(c) Upon conviction of the person charged, all confiscated property shall be forfeited and destroyed or otherwise disposed of, as the court may order.

(d) If the person charged is acquitted or discharged without conviction, the court shall, on demand, order the property to be returned to its owner.

Section 5. Section **76-9-301.7** is amended to read:

76-9-301.7. Enhanced penalties for cruelty to an animal or animal neglect.

(1) "Conviction" means:

(a) a conviction by plea ~~[or by verdict.]~~ of guilty, nolo contendere, guilty and mentally ill, or no contest;

(b) a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, even if the charge was subsequently reduced or dismissed in accordance with the plea in abeyance agreement; or

(c) a verdict of guilty.

(2) [A] (a) Except as provided in Subsection (2)(b), a person who commits any violation of Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(1) or (4) within the state and on at least one previous occasion has been convicted of violating Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(1) or (4) [shall be] or has been convicted in another jurisdiction of an offense that is substantially similar to any of these offenses is subject to an enhanced penalty [as provided in] under Subsection (3).

(b) The enhancements described in this section do not apply to a conviction for animal torture under Subsection 76-9-301(2).

(3) The enhanced degree of offense for offenses committed under this section are:

(a) if the offense is a class C misdemeanor, it is a class B misdemeanor; and

(b) if the offense is a class B misdemeanor, it is a class A misdemeanor.

(4) (a) The prosecuting attorney, or grand jury if an indictment is returned, shall provide written notice upon the information or indictment that the defendant is subject to an enhanced degree of offense or penalty under Subsection (3). The notice shall be served upon the defendant or his attorney not later than ten days prior to trial.

(b) If the notice is not included initially, the court may subsequently allow the prosecutor to amend the charging document to include the notice if the court finds:

(i) that the amended charging documents, including any statement of probable cause,

provide notice that the defendant is subject to an enhanced penalty provided under this section;
and

(ii) that the defendant has not otherwise been substantially prejudiced by the
amendment.

Section 6. Section **76-10-1602** is amended to read:

76-10-1602. Definitions.

As used in this part:

(1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,
business trust, association, or other legal entity, and any union or group of individuals
associated in fact although not a legal entity, and includes illicit as well as licit entities.

(2) "Pattern of unlawful activity" means engaging in conduct which constitutes the
commission of at least three episodes of unlawful activity, which episodes are not isolated, but
have the same or similar purposes, results, participants, victims, or methods of commission, or
otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall
demonstrate continuing unlawful conduct and be related either to each other or to the
enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have
occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful
activity as defined by this part shall have occurred within five years of the commission of the
next preceding act alleged as part of the pattern.

(3) "Person" includes any individual or entity capable of holding a legal or beneficial
interest in property, including state, county, and local governmental entities.

(4) "Unlawful activity" means to directly engage in conduct or to solicit, request,
command, encourage, or intentionally aid another person to engage in conduct which would
constitute any offense described by the following crimes or categories of crimes, or to attempt
or conspire to engage in an act which would constitute any of those offenses, regardless of
whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor
or a felony:

(a) any act prohibited by the criminal provisions of Title 13, Chapter 10, Unauthorized
Recording Practices Act;

(b) any act prohibited by the criminal provisions of Title 19, Environmental Quality
Code, Sections 19-1-101 through 19-7-109;

(c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose of sale, trade, or other pecuniary gain, in violation of Title 23, ~~[Chapter 13,]~~ Wildlife Resources Code of Utah, or Section 23-20-4;

(d) false claims for medical benefits, kickbacks, and any other act prohibited by False Claims Act, Sections 26-20-1 through 26-20-12;

(e) any act prohibited by the criminal provisions of Title 32A, Chapter 12, Criminal Offenses;

(f) any act prohibited by the criminal provisions of Title 57, Chapter 11, Utah Uniform Land Sales Practices Act;

(g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d, Clandestine Drug Lab Act;

(h) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform Securities Act;

(i) any act prohibited by the criminal provisions of Title 63, Chapter 56, Utah Procurement Code;

(j) assault or aggravated assault, Sections 76-5-102 and 76-5-103;

(k) a terroristic threat, Section 76-5-107;

(l) criminal homicide, Sections 76-5-201, 76-5-202, and 76-5-203;

(m) kidnapping or aggravated kidnapping, Sections 76-5-301 and 76-5-302;

(n) sexual exploitation of a minor, Section 76-5a-3;

(o) arson or aggravated arson, Sections 76-6-102 and 76-6-103;

(p) causing a catastrophe, Section 76-6-105;

(q) burglary or aggravated burglary, Sections 76-6-202 and 76-6-203;

(r) burglary of a vehicle, Section 76-6-204;

(s) manufacture or possession of an instrument for burglary or theft, Section 76-6-205;

(t) robbery or aggravated robbery, Sections 76-6-301 and 76-6-302;

(u) theft, Section 76-6-404;

(v) theft by deception, Section 76-6-405;

(w) theft by extortion, Section 76-6-406;

400 (x) receiving stolen property, Section 76-6-408;
401 (y) theft of services, Section 76-6-409;
402 (z) forgery, Section 76-6-501;
403 (aa) fraudulent use of a credit card, Sections 76-6-506.1, 76-6-506.2, and 76-6-506.4;
404 (bb) deceptive business practices, Section 76-6-507;
405 (cc) bribery or receiving bribe by person in the business of selection, appraisal, or
406 criticism of goods, Section 76-6-508;
407 (dd) bribery of a labor official, Section 76-6-509;
408 (ee) defrauding creditors, Section 76-6-511;
409 (ff) acceptance of deposit by insolvent financial institution, Section 76-6-512;
410 (gg) unlawful dealing with property by fiduciary, Section 76-6-513;
411 (hh) bribery or threat to influence contest, Section 76-6-514;
412 (ii) making a false credit report, Section 76-6-517;
413 (jj) criminal simulation, Section 76-6-518;
414 (kk) criminal usury, Section 76-6-520;
415 (ll) fraudulent insurance act, Section 76-6-521;
416 (mm) retail theft, Section 76-6-602;
417 (nn) computer crimes, Section 76-6-703;
418 (oo) identity fraud, Section 76-6-1102;
419 (pp) sale of a child, Section 76-7-203;
420 (qq) bribery to influence official or political actions, Section 76-8-103;
421 (rr) threats to influence official or political action, Section 76-8-104;
422 (ss) receiving bribe or bribery by public servant, Section 76-8-105;
423 (tt) receiving bribe or bribery for endorsement of person as public servant, Section
424 76-8-106;
425 (uu) official misconduct, Sections 76-8-201 and 76-8-202;
426 (vv) obstruction of justice, Section 76-8-306;
427 (ww) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;
428 (xx) false or inconsistent material statements, Section 76-8-502;
429 (yy) false or inconsistent statements, Section 76-8-503;
430 (zz) written false statements, Section 76-8-504;

431 (aaa) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
432 (bbb) retaliation against a witness, victim, or informant, Section 76-8-508.3;
433 (ccc) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
434 (ddd) public assistance fraud in violation of Section 76-8-1203, 76-8-1204, or
435 76-8-1205;
436 (eee) unemployment insurance fraud, Section 76-8-1301;
437 (fff) intentionally or knowingly causing one animal to fight with another, Subsection
438 76-9-301~~(+)(f)~~(3)(a)(iv) or (v) or Section 76-9-301.1;
439 (ggg) possession, use, or removal of explosives, chemical, or incendiary devices or
440 parts, Section 76-10-306;
441 (hhh) delivery to common carrier, mailing, or placement on premises of an incendiary
442 device, Section 76-10-307;
443 (iii) possession of a deadly weapon with intent to assault, Section 76-10-507;
444 (jjj) unlawful marking of pistol or revolver, Section 76-10-521;
445 (kkk) alteration of number or mark on pistol or revolver, Section 76-10-522;
446 (lll) forging or counterfeiting trademarks, trade name, or trade device, Section
447 76-10-1002;
448 (mmm) selling goods under counterfeited trademark, trade name, or trade devices,
449 Section 76-10-1003;
450 (nnn) sales in containers bearing registered trademark of substituted articles, Section
451 76-10-1004;
452 (ooo) selling or dealing with article bearing registered trademark or service mark with
453 intent to defraud, Section 76-10-1006;
454 (ppp) gambling, Section 76-10-1102;
455 (qqq) gambling fraud, Section 76-10-1103;
456 (rrr) gambling promotion, Section 76-10-1104;
457 (sss) possessing a gambling device or record, Section 76-10-1105;
458 (ttt) confidence game, Section 76-10-1109;
459 (uuu) distributing pornographic material, Section 76-10-1204;
460 (vvv) inducing acceptance of pornographic material, Section 76-10-1205;
461 (www) dealing in harmful material to a minor, Section 76-10-1206;

462 (xxx) distribution of pornographic films, Section 76-10-1222;
463 (yyy) indecent public displays, Section 76-10-1228;
464 (zzz) prostitution, Section 76-10-1302;
465 (aaaa) aiding prostitution, Section 76-10-1304;
466 (bbbb) exploiting prostitution, Section 76-10-1305;
467 (cccc) aggravated exploitation of prostitution, Section 76-10-1306;
468 (dddd) communications fraud, Section 76-10-1801;
469 (eeee) any act prohibited by the criminal provisions of Title 76, Chapter 10, Part 19,
470 Money Laundering and Currency Transaction Reporting Act;
471 (ffff) any act prohibited by the criminal provisions of the laws governing taxation in
472 this state; and
473 (gggg) any act illegal under the laws of the United States and enumerated in Title 18,
474 Section 1961 (1)(B), (C), and (D) of the United States Code.

Legislative Review Note
as of 8-20-07 1:00 PM

Office of Legislative Research and General Counsel

S.B. 1002 - Animal Cruelty Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
